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WASHINGTON DC 20007

In re Application of:  
Black et al.  
Serial No.: 10/057,321  
Filed: September 24, 2001  
Attorney Docket No.: 016761/0170

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: DECISION ON PETITION TO  
: INVOKE THE SUPERVISORY AUTHORITY  
: OF THE COMMISSIONER  
:

This is in response to applicants' petition under 37 CFR § 1.181 filed on October 1, 2004, requesting that the amendment to the specification which incorporates prior applications by reference be entered.

A review of the file history shows that the examiner in her Office action of July 1, 2004 objected to the amendment of the specification because it introduces new matter into the disclosure.

However, MPEP § 1.181 (c) requires that there be a proper request for reconsideration and a repeated action by the examiner. There has been neither a request for reconsideration by applicants nor a repeated objection by the examiner.

Therefore, applicants' petition is **DISMISSED** as premature.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Bruce Kisliuk  
Director, Technology Center 1600